

L.B.F. 3007-1

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**In re: Antoine Gardiner
Debtor**

**Chapter 11
Bky. No. 19-16478-elf**

AMENDED NOTICE OF OBJECTION TO CLAIM AND HEARING DATE

Debtor has filed an objection to the proof of claim you filed in this bankruptcy case.

- 1. Your claim may be reduced, modified, or eliminated.** You should read these papers carefully and discuss them with your attorney, if you have one. (If you do not have an attorney, you may wish to consult an attorney).
- 2. If you do not want the court to change or eliminate your claim, you or your lawyer must attend the hearing on the objection,** scheduled to be held on February 17, 2021, at 11:00 am., in Courtroom 1, United States Bankruptcy Court 900 Market Street, Philadelphia, PA 19107. If you or your attorney do not attend the hearing on the objection, the court may decide that you do not oppose the objection to your claim.
- 3. If you intend to appear at the hearing** to contest the objection to your claim, **you must notify the person listed below at least 7 days before the hearing date.** If you do not notify the person listed below that you intend to appear, the Objector will be entitled to a postponement of the hearing.

Date: January 13, 2021

LEE M. HERMAN, ESQUIRE
BY: /s/ Lee M. Herman
LEE M. HERMAN, ESQUIRE
Attorney for Debtor
280 N. Providence Road, Suite 4
Media, PA 19063
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**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: Antoine Gardiner
Debtor

Chapter 11
Bky. No. 19-16478-elf

**ORDER GRANTING DEBTOR'S FIRST OMNIBUS OBJECTION
TO PROOF OF CLAIMS**

Upon consideration of the Debtor's Omnibus Objection to Proof of Claims,
any response, and after hearing and/or Certification of No Response, and good cause
appearing, it is on this _____ day of _____, 2021

ORDERED that the following Claims are hereby STRICKEN.

<u>Claim</u>	<u>Claim #</u>
Directtv, LLC	6-1
Deutsche Bank National Trust Co	8-1
Premier Bankcard, Llc	9-1
Premier Bankcard, Llc	10-1
HSBC Bank USA, National Assoc	11-1
HSBC Bank USA, National Assoc	12-1
JPMorgan Chase Bank, National Assoc	13-1
HSBC Bank USA, National Assoc	14-1
PYOD, LLC	15-1
Portfolio Recovery Assocaites, LLC	16-1
MTGLQ Investors, LP	17-1
Wells Fargo Bank, NA	36-1

BY THE COURT:

HON. ERIC L. FRANK
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
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**Chapter 11
Bky. No. 19-16478-elf**

DEBTOR'S FIRST OMNIBUS OBJECTION TO PROOF OF CLAIMS

Pursuant to Local Rule 3007-1 Debtor, through Counsel, objects to the Proof of Claim of the creditors listed in the attached Exhibit A, and in support says:

1. This is a voluntary Chapter 11 matter filed originally on October 15, 2019.
2. Attached as Exhibit A is a spreadsheet which outlines the basis for Debtor's challenge to each listed Proof of Claim.
3. For the reasons set forth in Exhibit A, each claim should be stricken or modified.
4. Each claim listed in Exhibit A is defective.

WHEREFORE Debtor respectfully requests that the Court strike or modify the claims set forth in Exhibit A and grant all other such relief as this Honorable Court deems just and proper.

Respectfully Submitted:

/s/ Lee M. Herman

Lee M. Herman, Esquire
Counsel for Debtor

Exhibit A - Debtor's First Omnibus Objection to Proof of Claims

In re: Antoine Gardiner 19-16478-elf

Claim	Claim #	Date Filed	Secured	Unsecured	Total	Reason
Directv, LLC	6-1	11/20/2019		\$124,441	\$124,441	Inadequate documentation of claim; Proof signed by someone without any authority to file on behalf of creditor.
Deutsche Bank National Trust Co	8-1	12/6/2019	\$148,716.32		\$148,716.32	The Proof of Claim is inaccurate; debtor has paid all pre-petition arrearage
Premier Bankcard, Llc	9-1	12/10/2019		\$236.42	\$236.42	Inadequate documentation of claim; Proof signed by someone without any authority to file on behalf of creditor.
Premier Bankcard, Llc	10-1	12/10/2019		\$446.76	\$446.76	Inadequate documentation of claim; Proof signed by someone without any authority to file on behalf of creditor.
HSBC Bank USA, National Assoc	11-1	12/10/2019	\$124,487.24		\$124,487.24	The Proof of Claim is inaccurate; debtor has paid substantially all pre-petition arrearage
HSBC Bank USA, National Assoc	12-1	12/12/2019	\$81,462.53		\$81,462.53	The Proof of Claim is inaccurate; debtor has paid substantially all pre-petition arrearage
JPMorgan Chase Bank, National Assoc	13-1	12/16/2019	\$40,451.24		\$40,451.24	The Proof of Claim is inaccurate; debtor has paid substantially all pre-petition arrearage
HSBC Bank USA, National Assoc	14-1	12/19/2019	\$115,095.90		\$115,095.90	The Proof of Claim is inaccurate; debtor has paid substantially all pre-petition arrearage
PYOD, LLC	15-1	12/27/2019		\$2,342.56	\$2,342.56	Statute of Limitations has expired; Debt was incurred on 9/6/1996. There is no chain of title from Springleaf Financial Services, Inc. to PYOD, LLC
Portfolio Recovery Associates, LLC	16-1	1/15/2020		\$1,605.19	\$1,605.19	Debtor was improperly served with the underlying Philadelphia Municipal Court Statement of Claim; Creditor did not set forth a basis for its standing to sue on behalf of the original creditor, Home Depot Credit Services/Citibank
MTGLQ Investors, LP	17-1	1/16/2020	\$96,794.85		\$96,794.85	The Proof of Claim is inaccurate; debtor has paid all pre-petition arrearage
Wells Fargo	36-1	11/16/2020	\$20,891.22		\$20,891.22	The Claim is inaccurate; Debtor has returned all PPP funds it received.

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CERTIFICATE OF SERVICE

I, Lee M. Herman, Esquire, hereby certify that on January 13, 2021 a copy of the within Amended Notice to Objection to Proof of Claim and Hearing Date of February 17, 2021 at 11 am in Courtroom 1 and Debtor's Omnibus Objection to Proof of Claims was served by U.S. States mail, postage prepaid Certified Mail to:

Premier Bankcard, LLC, Jefferson Capital Systems, LLC Assignee
PO Box 7999
St. Cloud, MN 56302-9617

DIRECTV, LLC, by American InfoSource as agent
4515 N. Santa Fe Ave
Oklahoma City, OK 73118

PYOD, LLC c/o Resurgent Capital Services
PO Box 19008
Greenville, SC 29602

Portfolio Recovery Associates, LLC
POB 41067
Norfolk, VA 23541

LEE M. HERMAN, ESQUIRE

/s/ Lee M. Herman
Lee M. Herman, Esquire
Attorney for Debtor Antoine Gardiner

Our file 200065